

Revision: HCFA-PM-95-4 (HSQB)
JUNE 1995

Attachment 4.35-A

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: Maryland

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Enforcement of Compliance for Nursing Facilities

The State uses other factors described below to determine the seriousness of deficiencies in addition to those described at §488.404(b)(1):

TN No. 96-4
Supersedes
TN No. 90-10

Approval Date OCT 27 1995

Effective Date JUL 6 1995

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: Maryland

CRITERIA FOR THE APPLICATION OF SPECIFIED REMEDIES FOR
SKILLED NURSING AND INTERMEDIATE CARE FACILITIES
(When and how each remedy is applied, the amounts of any fines,
and the severity of the remedies)

1. DENIAL OF PAYMENT FOR NEW ADMISSIONS

A ban on admissions is imposed by the State under life-threatening circumstances.

2. CIVIL MONEY PENALTY

A. May be imposed when there is an ongoing pattern of life threatening or serious deficiencies in a nursing facility.

B. May not exceed a total of \$5,000 per day or an overall total of \$50,000.

3. APPOINTMENT OF TEMPORARY MANAGEMENT

A. The Court may be petitioned to appoint a receiver under the following circumstances:

1. The nursing home is operating without a license;
2. The nursing home will be closed within 30 days and arrangements to relocate its residents have not been approved;
3. The nursing home or its residents have been abandoned; or
4. A situation, physical condition, practice or method of operation presents an imminent danger of death or serious mental or physical harm to the residents.

B. The receiver may use any private or third party reimbursements to the nursing home subject to certain limitations, including any Medicare or Medicaid payments and, with the approval of the Court, money from a State fund to operate the nursing facility and correct violations cited by the licensing agency.

C. The Court, upon request from the owner or operating entity or receiver, decides when to terminate the receivership.

4. IN EMERGENCY CASES, CLOSURE OF THE FACILITY AND/OR TRANSFER OF RESIDENTS

A. The Department "may order summarily the suspension of a license if" it "finds that the public health, safety, or welfare imperatively requires emergency action ..."

TN No. 90-10

Supersedes

TN No. _____

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